



California Regional Water Quality Control Board

San Diego Region



Linda S. Adams
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold
Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

November 18, 2008

Certified Mail:
7008 1140 0004 9971 8757

In reply refer to: WPS:08C-061:JEBSEN

City of San Diego
9192 Topaz Way
San Diego, CA 92123
Attention: Marco Gallegos

WDID	9 000001823
CIWQS:	
Place	725304
Reg. Measure	351372
Party	8709

Dear: Mr. Gallegos

SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality Certification for the Fox Canyon Sewer Repair Project Water Quality Certification No. 08C-061

Enclosed find Clean Water Act Section 401 Water Quality Certification for discharge to Waters of the U.S., and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the Fox Canyon Sewer Repair Project. A description of the project and location can be found in the project information sheet and on location and site maps compiled by the California Regional Water Quality Control Board, San Diego Region (Regional Board), which are included as Attachments 1 through 4.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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Acting Secretary for
Environmental
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Action on Request for
Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

**PROJECT: Fox Canyon Sewer Repair Project,
Certification No. 08C-061, WDID 9 000001823**

**APPLICANT: City of San Diego
9192 Topaz Way
San Diego, CA 92123
Attention: Marco Gallegos**

CIWQS:
Reg. Mes. ID: 351372
Place ID: 725304
Party ID: 8709

ACTION:

<input checked="" type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

The proposed project is the repair and protection of a sewer line involving the encasing of a section of pipe, repairing a break in the pipe, and repair to a joint displacement in Fox Canyon, south of University Avenue, west of Winona Avenue in the City Heights Community of San Diego.

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).

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2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, the City of San Diego must satisfy the following:

A. GENERAL CONDITIONS:

1. The City of San Diego must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification and all subsequent submittals required as part of this certification and as described in Attachment 1. The conditions within this certification must supersede conflicting provisions within such plans submitted prior to the certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or certification amendment.
2. During construction, the City of San Diego must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
3. City of San Diego must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this certification.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
 - d. Sampling of any discharge or surface water covered by this Order.
4. The City of San Diego must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to waters of

C. STREAM PHOTO DOCUMENTATION PROCEDURE:

1. The City of San Diego must conduct photo documentation of the project site, including all areas of temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction.

D. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
3. The City of San Diego must submit a report to the Regional Board within 30 days of completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the completed project.
4. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

5. The City of San Diego must submit reports required under this certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 08C-014
9174 Sky Park Court, Suite 100
San Diego, California 92123

6. Required Reports: The following list summarizes the reports, excluding spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Project Completion Report	D3	Within 30 days of project completion

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On August 28, 2008, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Jody Ebsen
 California Regional Water Quality Control Board, San Diego Region
 9174 Sky Park Court, Suite 100
 San Diego, CA 92123
 858-636-3146
jebsen@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Fox Canyon Sewer Repair Project (Project No. 08C-014) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on

compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

18 Nov 2008
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Map

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: ✓ City of San Diego,
Attention: Marco Gallegos
9192 Topaz Way
San Diego, CA 92123
Telephone: 858-292-6410
FAX: 858-292-6310

Project Name: ✓ Fox Canyon Sewer Repair Project

Project Location: ✓ South of University Avenue, west of Winona Avenue in the City Heights Community of San Diego

Type of Project: ✓ Sewer Repair

Project Description: The proposed project is the repair and protection of a sewer line involving the encasing of a section of pipe, repairing a break in the pipe, and repair to a joint displacement.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, Nationwide Permit 12, ACOE T. Dean

Other Required Regulatory Approvals: ✓ City of San Diego, site Development Permit, P. Grabski

California Environmental Quality Act (CEQA) Compliance: On June 26, 2008, City of San Diego determined that the project is Categorically Exempt from CEQA (Class 1, PRC 21084, 14 CCR 15300 et seq.)

Receiving Water: ✓ Unnamed tributary to Chollas Creek, Pueblo San Diego Hydrologic Unit, San Diego Mesa Hydrologic Area, Chollas Hydrologic Sub Area (908.22)

Affected Waters of the United States: ✓ Temporary: 0.003 acres of unvegetated streambed

Dredge Volume: N/A

Compensatory Mitigation: ✓ Temporary impacts will be restored to pre-existing conditions, and due to the relatively small temporary impacts no compensatory mitigation is proposed.

Public Notice: ✓ On August 28, 2008, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

12 / 4 / 2008

Fox Canyon Sewer Repair Project

08C-014

Fees:

√ Total Due: \$500.00

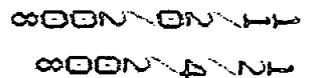
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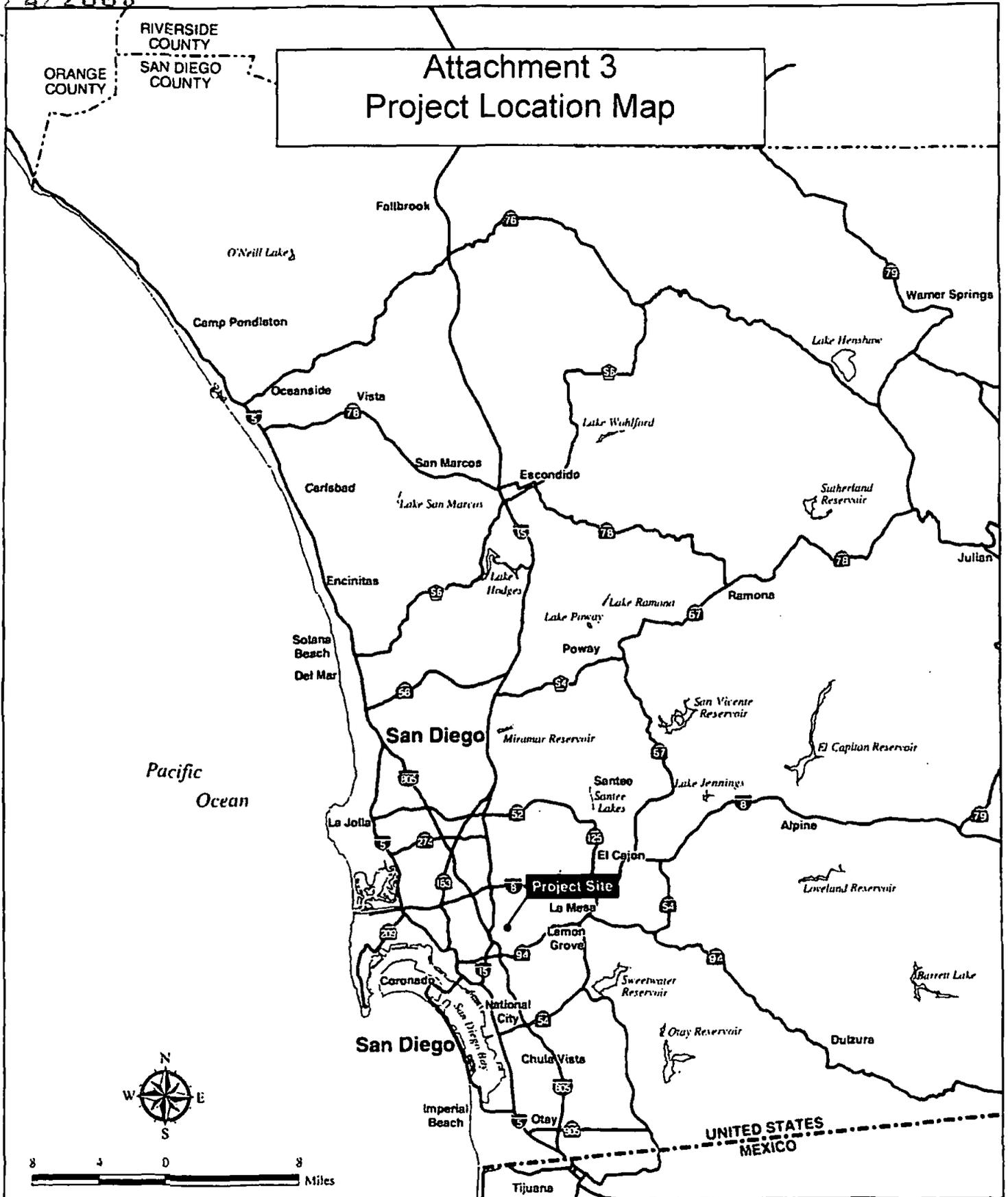
CIWQS:

Regulatory Measure ID: 351372

Place ID: 725304

Party ID: 8709





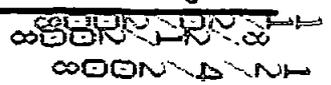
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Regional Location Map

FOX CANYON PIPE ENCASEMENT AND REPAIR



Figure 1



Attachment 4 Site Map

-  Project Area
-  Repair Locations
-  Sewer Manhole
-  Sewer Main
-  4' Waters of the U.S./CDFG Streambed



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Job No: SDS-10.06 Date: 07/02/08

Corps / CDFG Jurisdictional Areas

FOX CANYON PIPE ENCASEMENT AND REPAIR

HELIX

Figure 4

